



JANICE K. BREWER
Governor

SANDRA A. FABRITZ-WHITNEY
Director

ARIZONA DEPARTMENT OF WATER RESOURCES

3550 North Central Avenue, Second Floor
PHOENIX, ARIZONA 85012-2105
Telephone (602) 771-8621
Fax (602) 771-8689

November 8, 2011

Patagonia Property Partnership II, L.L.L.P.
PO Box 66
Tucson, Arizona 85702

RE: Request for Assignments of Statement of Claim of Right Nos. 36-59465, 36-59466, 36-59467 and 36-59468.

From: First Patagonia Capital Company, L.L.C.
To: Patagonia Property Partnership II, L.L.L.P.

Applicant:

The above-referenced Request for Assignments have been completed as required by Arizona Revised Statutes §§ 45-163 and 45-164. The official records of the Arizona Department of Water Resources (Department) have been revised to indicate the name and address of the current holder of the above-referenced surface water filings. The Department has not determined the validity of the claims for a water right.

Check Nos. 17318, 17319, 17320 and 17321 each for \$75.00 were submitted by Munger Chadwick, PLC and have been deposited.

Please do not hesitate to contact me at (602) 771-8618 or toll free (within Arizona only) at 1-800-352-8488 if you require further information or assistance.

Sincerely,

A handwritten signature in cursive script that reads "Barbara L. Norton".

Barbara L. Norton
Surface Water Rights Specialist
Permitting Unit



Printed on recycled paper. Each ton of recycled paper saves 7,000 gallons of water.

ED_001040_00006598-00001

Arizona Department of Water Resources
Permitting Unit
3550 North Central Avenue, Phoenix, Arizona 85012-2105
Telephone (602) 771-8621
Fax (602) 771-8689

REQUEST FOR
ASSIGNMENT OF SURFACE WATER APPLICATIONS AND CLAIMS AND
ASSIGNMENT AND REISSUANCE OF PERMITS AND CERTIFICATED RIGHTS

1. Registry number of right or claim being assigned See attachment
(Use attachment for 2 or more filings)
2. Request for: (check one box only)
- ☒ Total (complete) Assignment ☐ Partial Assignment
3. If the request is for a partial assignment, the following information must be provided for use(s), quantity(s), and location(s) of the portion being assigned:

Use _____ Quantity _____
____ 1/4 ____ 1/4 ____ 1/4, Section __, Township __ N/S, Range __ EW; Parcel I.D. No. _____
Use _____ Quantity _____
____ 1/4 ____ 1/4 ____ 1/4, Section __, Township __ N/S, Range __ EW; Parcel I.D. No. _____

4. SELLER(S)/ASSIGNORS

Name FIRST PATAGONIA CAPITAL CO., L.L.C.

Address P.O. Box 737

PATAGONIA, AZ 85624-0737

Phone No. (520) 394-0082

Seller not available
Signature

(Please print or type name of assignor or representative)

Date Signed

BUYER(S)/ASSIGNEES

Name PATAGONIA PROPERTY PARTNERSHIP II, L.L.P.

Address ~~P.O. Box 66~~ Box 232

Tucson, AZ 85702-0232

Phone No. (520) 444-2286 520-260-0000

[Signature]
Signature

Denny Hubler II
(Please print or type name of assignee or representative)

9-21-11
Date Signed

Current mailing addresses and telephone numbers must be included.

ASSIGNMENTS WILL NOT BE PROCESSED WITHOUT FEE(S), PROOF OF OWNERSHIP (MAY INCLUDE CHAIN OF TITLE OF OWNERSHIP), ASSESSORS MAP OR ALLOTMENT MAP

(Page 1 of 4)

REQUEST FOR ASSIGNMENT ATTACHMENT

Registry number of right or claim 36-59465.0000

☒ Entire right or claim ☐ Partial

Use STOCKWATER Quantity 1/4 1/4 NW 1/4 SW, Section 21, Township 21 N/S, Range 16 E/W; Parcel I.D. No. _____

Use _____ Quantity 1/4 1/4 1/4, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity 1/4 1/4 1/4, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Registry number of right or claim 36-59466.0000

☒ Entire right or claim ☐ Partial

Use STOCKWATER Quantity 2.8 acre feet 1/4 SE 1/4 NW, Section 21, Township 21 N/S, Range 16 E/W; Parcel I.D. No. _____

Use _____ Quantity 1/4 1/4 1/4, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity 1/4 1/4 1/4, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Registry number of right or claim 36-59467.0000

☐ Entire right or claim ☐ Partial

Use IRRIGATION Quantity 183 acre-feet 1/4 E 1/2 1/4 SW, Section 16, Township 21 N/S, Range 16 E/W; Parcel I.D. No. _____

Use STOCKWATER Quantity 1/4 1/4 E 1/2 1/4 SW, Section 16, Township 21 N/S, Range 16 E/W; Parcel I.D. No. _____

Use _____ Quantity 1/4 1/4 1/4, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

(Page 3 of 4)

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REQUEST FOR ASSIGNMENT ATTACHMENT

Registry number of right or claim 36-59468.0000

☒ Entire right or claim ☐ Partial

Use IRRIGATION Quantity 163 acre-feet W 1/2 NE 1/4 E 1/2 NW 1/4 Section 16, Township 31 N(S) Range 16 E(W); Parcel I.D. No. _____

Use SURFACE WATER Quantity W 1/2 NE 1/4 E 1/2 NW 1/4 Section 16, Township 31 N(S) Range 16 E(W); Parcel I.D. No. _____

Use _____ Quantity _____ 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Registry number of right or claim _____

☐ Entire right or claim ☐ Partial

Use _____ Quantity _____ 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Registry number of right or claim _____

☐ Entire right or claim ☐ Partial

Use _____ Quantity _____ 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

Use _____ Quantity _____ 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W; Parcel I.D. No. _____

(Page 4 of 4)

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2005-13883

Page 1 of 6

Requested By: LAND AMERICA

Suzanne Sainz

Santa Cruz County Recorder

10-17-2005 04:20 PM Recording Fee \$17.00



0513883

WHEN RECORDED, RETURN TO:
Gallagher & Kennedy, P.A.
2575 E. Camelback Rd.
Phoenix, Arizona 85016
Attention: James B. Connor, Esq.

1490987 A10

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the undersigned FIRST PATAGONIA CAPITAL COMPANY L.L.C., an Arizona limited liability company (the "Grantor"), does hereby grant and convey to PATAGONIA PROPERTY PARTNERSHIP II, L.L.L.P., an Arizona limited liability limited partnership (the "Grantee"), that certain real property situated in Santa Cruz County, Arizona legally described as set forth on Exhibit A hereto (the "Property"), together with all rights and privileges appurtenant thereto and any improvements thereon, and together with all rights, title, and interest in and to groundwater, surface water, wells and well rights, and water claims appurtenant to the above-described Property, including seventy-five percent (75.0%) of the water rights (i.e. 589 acre feet of water per annum) pursuant to the Arizona Department of Water Resources Certificate of Water Right No. 33-26063.0000.

The above-described Property is conveyed subject to all current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

The Grantor hereby binds itself and its successors to warrant and defend the title as against all acts of the Grantor herein and no other, subject to the matters above set forth.

17th IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this day of October, 2005.

FIRST PATAGONIA CAPITAL COMPANY,
L.L.C., an Arizona limited liability company

By: 

Ferdinand Graf Von Galen

Its: Manager

1299376v1\6708-0001

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STATE OF ARIZONA)
) ss.
County of Pima)

The foregoing instrument was acknowledged before me this 17th day of October, 2005, by Ferdinand Graf Von Galen, the Manager of First Patagonia Capital Company L.L.C., an Arizona limited liability company, on behalf of the company.



Notary Public State of Arizona
Pima County
Fred S. Baker
Expires April 21, 2008


Notary Public

My Commission Expires:

April 21, 2008

1299376v116706-0001

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EXHIBIT A
LEGAL DESCRIPTION

[SEE ATTACHED]

1299376v1\6708-0001

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Exhibit A

A land description of a Portion of Sections 9, 16, 20, 21, 28, 29, 32 and 33, and Portion of Lot 1, 2, 3 & 17 of Ranchettes at Rail X Ranch Unit 1, Township 21 South Range 16 East, Gila and Salt River Meridian, Santa Cruz County, Arizona.

Commencing at the East one Quarter Corner of Section 28 Township 21 South Range 16 East, G. & S.R.M., also being the point of beginning. Being a General Land office Brass cap, thence following courses to found monuments:

South 41 degrees 02 minutes 06 seconds West a distance of 696.24 feet
 South 31 degrees 35 minutes 38 seconds West a distance of 498.27 feet
 South 44 degrees 56 minutes 35 seconds West a distance of 278.29 feet
 South 56 degrees 03 minutes 49 seconds West a distance of 500.32 feet
 North 83 degrees 39 minutes 08 seconds West a distance of 306.40 feet
 North 80 degrees 22 minutes 18 seconds West a distance of 656.43 feet
 South 51 degrees 03 minutes 23 seconds West a distance of 818.28 feet
 South 70 degrees 42 minutes 39 seconds West a distance of 1280.76 feet
 South 61 degrees 50 minutes 05 seconds West a distance of 922.79 feet
 South 21 degrees 49 minutes 20 seconds West a distance of 880.88 feet
 South 73 degrees 04 minutes 20 seconds West a distance of 1217.34 feet
 South 18 degrees 06 minutes 21 seconds West a distance of 2929.14 feet
 North 71 degrees 43 minutes 24 seconds West a distance of 517.24 feet
 North 18 degrees 16 minutes 50 seconds East a distance of 1809.34 feet to a point of curvature to the left, having the following parameter, a central angle of 8 degrees 27 minutes 25 seconds a radius of 11509.16 feet, an arc distance of 1698.77 feet, a chord distance of 1697.23 feet and a chord bearing of North 14 degrees 03 minutes 08 seconds East to a point of tangent.

Thence North 9 degrees 49 minutes 25 seconds East a distance of 441.04 feet
 Thence South 89 degrees 47 minutes 25 seconds East a distance of 88.65 feet
 Thence North 12 degrees 05 minutes 42 seconds East a distance of 7796.54 feet
 Thence South 72 degrees 16 minutes 43 seconds East a distance of 50.24 feet
 Thence North 12 degrees 05 minutes 42 seconds East a distance of 1787.78 feet
 Thence South 68 degrees 35 minutes 46 seconds West a distance of 0.48 feet to a point of curvature to the left, having the following parameters, a central angle of 13 degrees 19 minutes 20 seconds, a radius of 7789.44 feet, an arc distance of 1811.17 feet and a chord bearing of North 11 degrees 13 minutes 50 seconds East to a point of tangent.

Thence North 4 degrees 34 minutes 10 seconds East a distance of 234.83 feet to a point of curvature to the right having the following parameters, a central angle of 6 degrees 17 minutes 00 seconds, a radius of 7489.44 feet, an arc distance of 821.33 feet and a chord bearing of North 7 degrees 42 minutes 40 seconds East to a point of tangent.

Thence North 10 degrees 51 minutes 10 seconds East a distance of 276.68 feet
 Thence North 6 degrees 54 minutes 07 seconds East a distance of 178.75 feet
 Thence North 11 degrees 36 minutes 30 seconds East a distance of 655.32 feet to a point of curvature to the left having the following parameters, a central angle of 6 degrees 00

minutes 18 seconds, a radius of 11510.00 feet, an arc distance of 1206.32 feet, and a chord bearing of North 8 degrees 40 minutes 28 seconds East to a point on a curve to the left, having the following, a central angle of 5 degrees 24 minutes 24 seconds a radius of 11559.16 feet an arc distance of 1090.78 feet and a chord bearing of North 7 degrees 32 minutes 42 seconds East, a chord distance of 1090.38 feet to a point of tangent.

Thence North 04 degrees 50 minutes 30 seconds East a distance of 455.52 feet to a point of curvature to the right having the following parameters, a central angle of 15 degrees 20 minutes 29 seconds, a radius of 6094.14 feet, an arc distance of 1631.75 feet and a chord bearing of North 12 degrees 30 minutes 29 seconds East, a chord distance of 1626.88 feet to a point on a curve, thence North 69 degrees 49 minutes 16 seconds West, a distance of 20.00 feet to a point on a curve to the right, having the following parameters, a central angle of 2 degrees 36 minutes 54 seconds, a radius of 6114.14 feet, an arc distance of 279.04 and a chord bearing of North 21 degrees 29 minutes 11 seconds East a chord distance of 279.02 feet. Thence leaving said point on said curve the following courses;

South 67 degrees 11 minutes 41 seconds East a distance of 88.97 feet
 South 67 degrees 10 minutes 06 seconds East a distance of 508.70 feet
 South 68 degrees 30 minutes 59 seconds East a distance of 806.68 feet
 South 37 degrees 56 minutes 10 seconds East a distance of 493.00 feet
 South 19 degrees 55 minutes 55 seconds East a distance of 275.00 feet
 South 19 degrees 56 minutes 32 seconds East a distance of 1326.85 feet
 South 38 degrees 33 minutes 48 seconds East a distance of 119.77 feet
 North 67 degrees 32 minutes 48 seconds East a distance of 998.23 feet
 South 0 degrees 04 minutes 15 seconds West a distance of 2608.14 feet to a found GLO brass cap stamped ¼ Sec. 15-16.
 South 0 degrees 15 minutes 08 seconds East a distance of 2610.57 feet to a found GLO brass cap stamped Secs. 15, 16, 21 and 22.
 South 0 degrees 00 minutes 47 seconds West a distance of 2621.12 feet to found GLO brass cap stamped ¼ Sec. 21-22
 South 0 degrees 11 minutes 52 seconds East a distance of 2585.93 feet to a found GLO brass cap stamped Secs. 21-22-27-28.
 South 0 degrees 20 minutes 18 seconds West a distance of 2638.18 feet to a point found GLO brass cap stamped ¼ Secs. 27-28 and point of beginning.

Excepting therefrom the following parcels

Parcels 16, 17, 18, 19, and 20 of the Record of Survey of Sonoita Creek Ranch Estates as recorded in Book 2, at Page 484 in the records of Santa Cruz County Recorder of Santa Cruz County, Arizona, being a part of Sections 28, 32, 33, Township 21 South, Range 16 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona.

A land Description of a parcel of land located in Section 32, Township 21 South, Range 16 East, Gila and Salt River Meridian, Santa Cruz County, Arizona. Reference record of survey Book 2 at Page 284 and being the following parcel;

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Beginning at the Southwest Corner of Parcel 19, Sonoita Creek Ranch, Book 2 Page 484

Thence South 75 degrees 04 minutes 26 seconds East a distance of 560.45 feet, coincident with the South line of Parcel 19

Thence South 18 degrees 06 minutes 11 seconds West a distance of 2,929.31 feet, coincident with the Westerly line of lots 6 and 7, Rail X Ranch Estates, Book 2 Page 161, Record of Surveys and also a point on the Northerly line of common area "A"

Thence North 71 degrees 43 minutes 01 seconds West a distance of 517.50 feet, coincident with the Northerly line of Common Area "A" to a point in the Easterly Right-of-Way of State Highway 82

Thence North 18 degrees 15 minutes 50 seconds East a distance of 1,808.56 feet coincident with the Easterly Right-of-Way to a point of curvature to the left having the following parameter, a central angle of 5 degrees 25 minutes 26 seconds, a radius of 11509.16 and a arc length of 1089.50 feet

Thence continuing along said Right-of-Way an arc distance of 1,089.50 feet to the Point of Beginning.

TOGETHER WITH ALL right, title and interest in and to groundwater, surface water, wells and well rights, and water claims appurtenant to all the real property described above, including all of the property excepted above, including seventy-five percent (75%) of the water rights (i.e. 589 acre feet of water per annum) pursuant to the Arizona Department of Water Resources Certificate of Water Right No. 33-26063.0000.

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EXHIBIT B

WATER RIGHTS

- | | | |
|----|--|--|
| a) | A portion of Certificate of Water Right No.: | 33-26063.0000 ✓ |
| b) | Statement of Claim Nos. | 36-59465 ✓
36-59466 ✓
36-59467 ✓
36-59468 ✓ |
| c) | Claim of Water Right for Stock Pond: | 38-59445 |
| d) | Statement of Claimant No.: | 39-73979
39-73999 |
| e) | Well Registration No.: | 55-624883
55-624891 |

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ASSIGNMENT OF WATER RIGHTS

This Assignment of Water Rights ("Assignment") is made October 17, 2005 by and between First Patagonia Capital Company L.L.C., an Arizona limited liability company ("Patagonia Capital"), and Patagonia Property Partnership II, L.L.L.P., an Arizona limited liability limited partnership ("Patagonia Partners").

BACKGROUND

A. Pursuant to the *Receipt for Deposit and Real Estate Contract*, dated June 7, 2005, as amended by that certain *Addendum #1* dated June 17, 2005 and the *First Amendment To Receipt For Deposit And Real Estate Contract*, dated September 22, 2005, (collectively, the "Real Estate Contract"), Patagonia Capital sold to Patagonia Partners the real property described in Exhibit "A" attached hereto (the "Real Property").

B. Patagonia Capital is the holder of certain interests in groundwater, surface water, wells and well rights, arid water claims appurtenant to the Real Property being conveyed (collectively, the "Water Rights") and, as part of the sale hereby assigns to Patagonia Partners all Patagonia Capital's rights, title, and interest to the Water Rights including without limitation the rights listed on Exhibit B attached hereto, except as specifically excluded herein.

C. The Water Rights being assigned by Patagonia Capital to Patagonia Partners include 75% of the water rights (i.e. 589 acre feet of water per annum) pursuant to Arizona Department of Water Resources Certificate of Water Right No. 33-26063.0000 (the "Certificate") related to a naturally flowing artesian spring commonly known as Monkey Springs.

D. The parties acknowledge that Patagonia Capital's interest in the Water Rights is subject to certain legal proceedings, including but not limited to that legal proceeding to determine the scope, extent and validity of the rights to use the waters of the Gila River watershed) captioned *In re General Adjudication of All Rights to Use Water in the Gila River System and Source*, Maricopa County Cause No. W-1, W-2, W-3 and W-4 (consolidated), together with various proceedings before a special master and interlocutory appeals pending before the Arizona Supreme Court. The parties also acknowledge that the rights of various parties to claim or use the waters of the Santa Cruz River watershed and tributaries thereto (which may or may not include groundwater and subsurface water) are subject to pending settlement discussions which may alter, limit, restrict, or otherwise define the scope, extent and validity of the Water Rights.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

Patagonia Capital



Patagonia Partners



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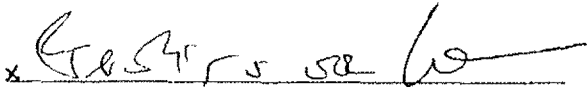
OCT 17 2005

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Surface Water Division

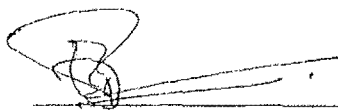
Therefore, the parties agree as follows:

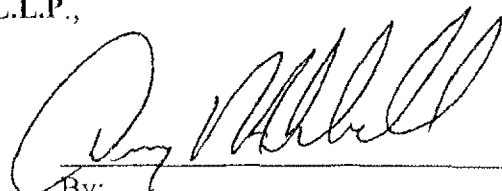
1. Patagonia Capital hereby assigns to Patagonia Partners all its right, title, and interest to the Water Rights appurtenant to the Real Property, including seventy-five percent (75.0%) of the water per annum (i.e., 589 acre feet of water per annum) pursuant to the Certificate. The remaining portion of the water pursuant to the Certificate (i.e., 196 acre feet of water per annum) that is appropriable for irrigation or other purposes, shall be retained by Patagonia Capital.
2. **Exhibits & Schedules.** All Exhibits to this Assignment constitute integral parts of this Assignment.
3. **Execution of Additional Documents.** Patagonia Capital agrees to execute and provide such other and further documents or instruments as may be required to comply with any laws, rules or regulations necessary to carry out the intent of this Assignment and to finalize and complete the assignment of the Water Rights to Patagonia Partners, including, without limitation, any documents or instruments as may be required by the Arizona Department of Water Resources necessary to effect the full and complete assignment of the Water Rights.
4. **No Conditions Precedent.** There are no conditions precedent to the effectiveness or enforceability of this Assignment, except those which may be specifically stated in this Assignment.
5. **Entire Agreement; Modifications and Amendments.** This Assignment constitutes the entire agreement between the parties regarding the subject matter hereof and supersedes any prior understanding or agreements, oral or written, with respect thereto. This Assignment may not be modified or amended except by the written consent of all parties.

FIRST PATAGONIA CAPITAL COMPANY, L.L.C.,
an Arizona limited liability company


By: Ferdinand Graf Von Galen, Its: Manager

PATAGONIA PROPERTY PARTNERSHIP II, L.L.L.P.,
an Arizona limited liability limited partnership


By: Its: DPAR INC, GENERAL PARTNER


By: Its: DHUB INC, General Partner

C:\Parsons\Assignment of Water Rights.doc

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Patagonia Capital  Patagonia Partners 

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Page 2 of 2
Surface Water Division

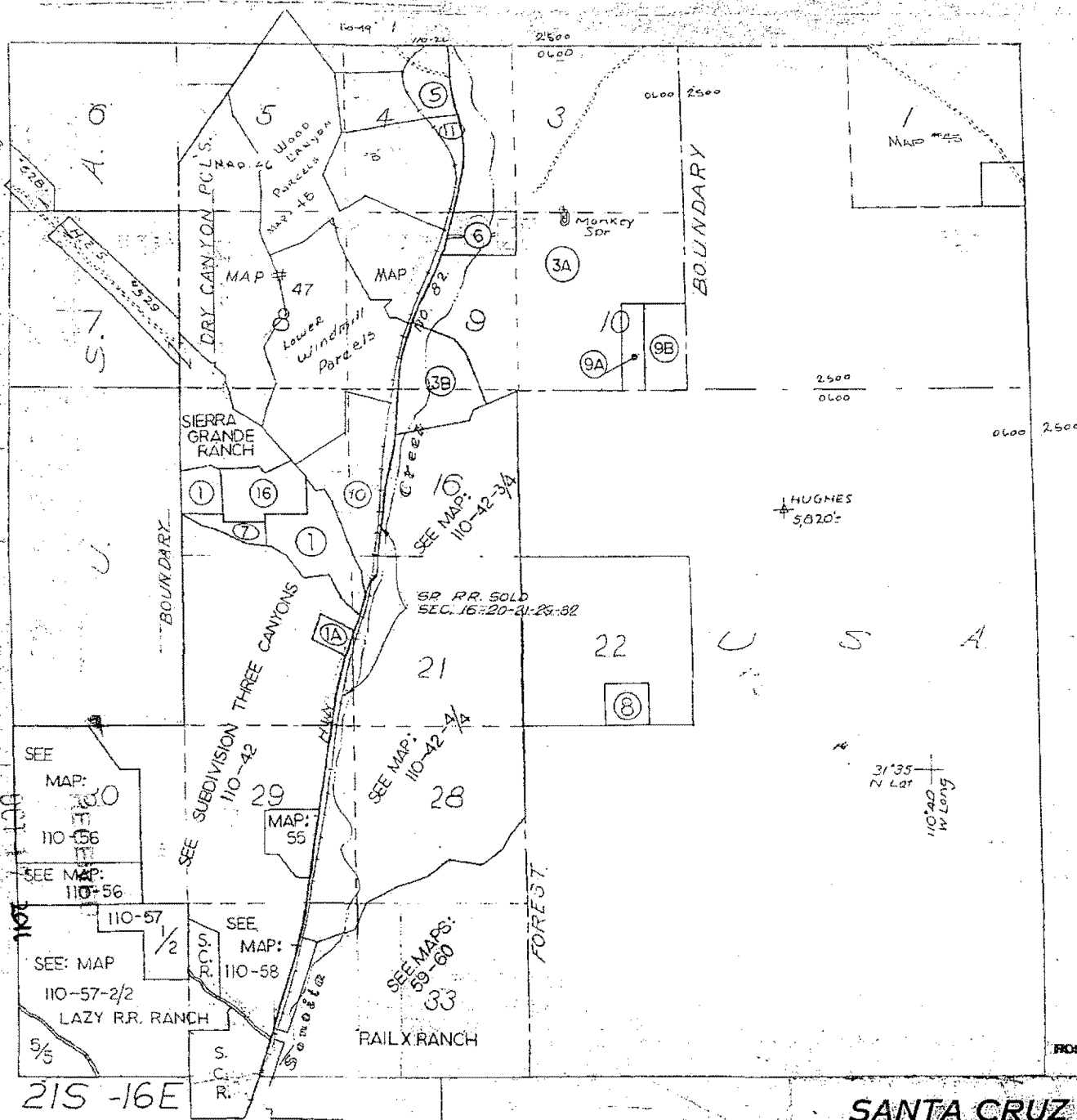
MAP 42 3/4

[illegible]

SANTA CRUZ COUNTY ASSESSOR'S MAP
Felipe A. Fuentes Jr.

HO 42 3/5

MAF

[illegible]

SPLIT 3 INTO 3A & 3B	11-08-0
3A & 15A INTO 17 & 18	5-27-0

SCALE 2" = 1 Mile

ROBERT R. HATHAWAY

SANTA CRUZ COUNTY ASSESSOR

JOHN F. MUNGER
MARK E. CHADWICK *
KATHLEEN D. WINGER
THOMAS A. DENKER
ADRIANE J. PARSONS **
JODI A. BAIN ***
ROBERT J. METLI
PETRA L. EMERSON
* Also Admitted in Colorado
** Also Admitted in Colorado, South Africa
*** Admitted only in New York

MEREDITH MUNGER (Non Lawyer)
PUBLIC RELATIONS CONSULTANT

MUNGER CHADWICK, P.L.C.

ATTORNEYS AT LAW
A PROFESSIONAL LIMITED LIABILITY COMPANY
NATIONAL BANK PLAZA
333 NORTH WILMOT, SUITE 300
TUCSON, ARIZONA 85711
(520) 721-1900
FAX (520) 747-1550
MungerChadwick.com

PHOENIX OFFICE
NORTHERN TRUST BANK TOWER
BILTMORE FINANCIAL CENTER II
2398 E. Camelback Road, Suite 240
Phoenix, Arizona 85016
(602) 358-7348
FAX (602) 441-2779

OF COUNSEL
LAWRENCE V. ROBERTSON, JR.
ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLUMBIA

OF COUNSEL
GREG PATTERSON

OF COUNSEL
TAPIA, ROBLES, CABRERA Y MORENO S.C.
HERMOSILLO, SONORA, MEXICO
(LICENSED SOLELY IN MEXICO)

TUBAC APPOINTMENT OFFICE
2247 East Frontage Road, #1
P.O. Box 1448
Tubac, Arizona 85646
(520) 398-0411

September 23, 2011

VIA CERTIFIED MAIL

Arizona Department of Water Resources
Surface Water Rights
500 North Third Street
Phoenix, AZ 85004-3903

RE: Requests for Assignment of Surface Water Applications and Claims and
Assignment and Reissuance of Permits and Certificated Rights ("Requests")

Dear Ms. Ramirez:

This law firm represents the Patagonia Property Partnership II, LLLP, a buyer in a real estate transaction in 2005 evidenced by the Special Warranty Deed included as part of the enclosed Requests. We write to ask that the enclosed Requests be registered with your agency and the transfer of water rights finalized.

During the real estate conveyance in 2005, both parties executed several documents evidencing the water rights transfer in addition to the real estate transfer. The water rights transfer was executed via an "Assignment of Water Rights," a copy of which is enclosed. The "Assignment of Water Rights" lists in its Exhibit B all water rights to be transferred along with the real estate conveyance.

Thank you very much for forwarding to me a copy of your letter dated September 13, 2006. We believe that the enclosed application satisfies your request for additional information and that the assignments of water rights may now be successfully completed.

To effectuate the water rights transfers, please find enclosed the following documents:

- 1) Request for Assignment of Surface Water Applications and Claims for 33-26063.0000 along with:
 - a. Fee of \$75.00 for Claim No. 33-26063.0000; **RECEIVED**
 - b. A copy of the Certificate of Water Right showing the seller as a holder of the water right dated August 27, 1992, and describing the right for both irrigation and stockwater; **SEP 27 2011**

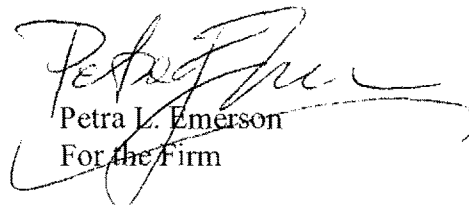
Surface Water Division

- c. A copy of the recorded Deed showing land ownership in the name of the buyer; and
 - d. A copy of assessors map with place of use identified.
- 2) Request for Assignment of Surface Water Applications and Claims for Nos. 36-59465.0000, 36-59466.0000, 36-59467.0000, 36-59468.0000 along with:
- a. Fee of \$75.00 for Claim No. 36-59465.0000;
 - b. Fee of \$75.00 for Claim No. 36-59466.0000;
 - c. Fee of \$75.00 for Claim No. 36-59467.0000;
 - d. Fee of \$75.00 for Claim No. 36-59468.0000;
 - e. A copy of the recorded Deed showing land ownership in the name of the buyer; and
 - f. A copy of assessors map with place of use identified.

If you have any questions, please call our office at 520-721-1900, or email me at "plemerson@mungerchadwick.com".

Sincerely,

MUNGER CHADWICK, P.L.C.



Petra L. Emerson
For the Firm

PLE:nsa
Enclosures

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Surface Water Division

Arizona Department of Water Resources

3550 N Central Ave.

Phoenix AZ 85012

Customer:

MUNGER CHADWICK, PLC
333 N WILMOT SUITE 300
TUCSON, AZ 85711

Receipt #: 12-19482
Office: MAIN OFFICE
Receipt Date: 10/21/2011
Sale Type: IN_PERSON
Cashier: WRBLN

Item No.	Index	AOBJ	Description	Ref ID	Qty	Unit Price	Ext Price
67531	15239	4315-TT	Assignment of application, permit, certificate or statement of claim	36-59465.0	1	75.00	75.00
RECEIPT TOTAL:							75.00

Payment type: CHECK

Amount Paid: \$75.00

Payment Received Date: 10/21/2011

Check # 17318

Notes: FROM TTA.

ARIZONA DEPARTMENT OF WATER RESOURCES

Surface Water Rights
3550 North Central Avenue, Phoenix, Arizona 85012
Telephone (602) 771-8500
Fax (602) 771-8688



JANET NAPOLITANO
GOVERNOR

HERB GUENTHER
DIRECTOR

COPY

September 13, 2006

LandAmerica Lawyers Title
Attn: Alexa Ramirez
1780 N. Mastick Way, Suite F
Nogales, Arizona 85621

RE: Assignment (Conveyance) of Certificate of Water Right Nos. 4005 (Application No. 3R-1565) and 3821 (Application No. 4A-4052), Stockpond Application Nos. 38-59399 and 38-59400.

From: Harry L. Bell Trust
To: Patagonia Preserve LLC

RE: Assignments (Conveyance) of Certificate of Water Right No. 26063 (Application No. 33-26063), Statement of Claim Nos. 36-59465, 36-59466, 36-59467, and 36-59468, Stockpond Certificate No. 38-59445.

From: First Patagonia Capital Company
To: Patagonia Property Partnership II

Ms. Ramirez:

The Department is unable to process your applications for assignment because the permits/leases from the forest service and the lease agreements from state land and county assessor maps were not included.

In Arizona, rights to the beneficial use of public, or appropriable, water are attached to the land at the place of use. The Department must see evidence of a change in the ownership of land on which the particular water right filing is located. This document, which must include a recorded deed, lease or grazing permit, must show by map or describe by legal land notation the land involved in the transaction. Please submit copies of complete, approved permits/leases from state land and the forest service that reflect Patagonia Preserve, LLC or Patagonia Property Partnership II as the holders of lease at the places of use listed on the surface water rights filings.

Please provide a copy of the current county assessor map for each of the following referenced legal locations:

<u>Water Right No.</u>	<u>Legal Location</u>
CWR 4005	SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 36, Township 21 South, Range 15 East
CWR 3821	NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, Township 21 South, Range 15 East

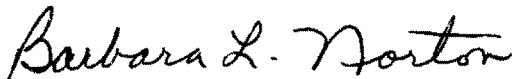
<u>Water Right No.</u>	<u>Legal Location</u>
38-59399	NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, Township 21 South, Range 16 East
38-59400	NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, Township 22 South, Range 15 East
CWR 26063	Sections 16 and 21, Township 21 South, Range 16 East
36-59465, 36-59466	Section 16, Township 21 South, Range 16 East
36-59467, 36-59468	Section 21, Township 21 South, Range 16 East

Check No. 00022658 for \$40.00, Check No. 00022624 for \$90.00, Check No. 00022659 for \$35.00 and Check No. 00022661 for \$20.00 have been deposited. Thank you for your payments. The cancelled checks are your receipts.

Enclosed for your convenience are our current Request for Assignment forms that reflect our new address and phone numbers. Please discard any out dated forms.

Please contact me at (602) 771-8500 if you have any questions regarding the assignment process.

Sincerely,



Barbara L. Norton
Surface Water Rights Specialist

bln

Arizona Department of Water Resources
Surface Water Rights
500 North Third Street, Phoenix, Arizona 85004-3903
(602) 417-2442
FAX (602) 417-2424

**REQUEST FOR
ASSIGNMENT OF SURFACE WATER APPLICATIONS AND CLAIMS AND
ASSIGNMENT AND REISSUANCE OF PERMITS AND CERTIFICATED RIGHTS**

1. Registry number of right or claim being assigned See attachment 36-59465
(Use attachment for 2 or more filings)

2. Request for: (check one box only)

☒ Total (complete) Assignment ☐ Partial Assignment

3. If the request is for a partial assignment, the following information must be provided for use(s), quantity(s), and location(s) of the portion being assigned:

Use _____ Quantity _____

Lot _____, 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Use _____ Quantity _____

Lot _____, 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Use _____ Quantity _____

Lot _____, 1/4 _____ 1/4 _____ 1/4 _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

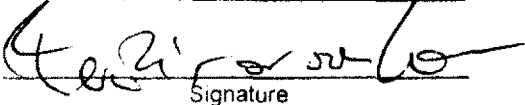
4. SELLER(S)/ASSIGNORS

Name First Patagonia Capital Co., L.L.C.

Address P.O. Box 737

Patagonia, AZ 85624-0737

Phone No. (520) 394-0082


Signature

Ferdinand Graf von Galen

(Please print or type name of assignor or representative)

OCT 17TH 05
Date Signed

BUYER(S)/ASSIGNEES

Name Patagonia Property Partnership II, LLLP

Address P.O. Box 66

Tucson, AZ 85702

Phone No. (520) 444-2286


Signature

DAVID PARSONS

(Please print or type name of assignee or representative)

OCT 17TH 2005
Date Signed

Current mailing addresses and telephone numbers must be included

ASSIGNMENTS WILL NOT BE PROCESSED WITHOUT FEE(S), PROOF OF OWNERSHIP (MAY INCLUDE CHAIN OF TITLE OF OWNERSHIP), ASSESSORS MAP OR ALLOTMENT MAP.

(Page 1 of 4)

REQUEST FOR ASSIGNMENT ATTACHMENT

Registry number of right or claim 36-59465.0000 (B) ☒ Entire right or claim ☐ Partial

Use Stockwater Quantity _____ Lot _____ $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, Township 21 N S Range 16 E W
(if applicable)

Use _____ Quantity _____ Lot _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Use _____ Quantity _____ Lot _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Registry number of right or claim 36-59466.0000 (C) ☒ Entire right or claim ☐ Partial

Use Stockwater Quantity 2.8 acre-feet Lot _____ $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 21, Township 21 N S Range 16 E W
(if applicable)

Use _____ Quantity _____ Lot _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Use _____ Quantity _____ Lot _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Registry number of right or claim 36-59467.0000 (D) ☒ Entire right or claim ☐ Partial

Use Irrigation Quantity 183 acre-feet Lot _____ $\frac{1}{4}$ E S SW $\frac{1}{4}$, Section 16, Township 21 N S Range 16 E W
(if applicable)

Use Stockwater Quantity _____ Lot _____ $\frac{1}{4}$ E S SW $\frac{1}{4}$, Section 16, Township 21 N S Range 16 E W
(if applicable)

Use _____ Quantity _____ Lot _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

(Page 3 of 4)

REQUEST FOR ASSIGNMENT ATTACHMENT

Registry number of right or claim 36-59468.0000 (E) ☐ Entire right or claim ☐ Partial

Use Irrigation Quantity 163 acre-feet W $\frac{1}{2}$, NE $\frac{1}{4}$ & E $\frac{1}{4}$, NW $\frac{1}{4}$, Section 16, Township 21 N(S) Range 16 E(W)

Use Stockwater Quantity _____ W $\frac{1}{2}$, NE $\frac{1}{4}$ & E $\frac{1}{4}$, NW $\frac{1}{4}$, Section 16, Township 21 N(S) Range 16 E(W)

Use _____ Quantity _____ Lot _____, $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Registry number of right or claim _____ ☐ Entire right or claim ☐ Partial

Use _____ Quantity _____ Lot _____, $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Use _____ Quantity _____ Lot _____, $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Use _____ Quantity _____ Lot _____, $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Registry number of right or claim _____ ☐ Entire right or claim ☐ Partial

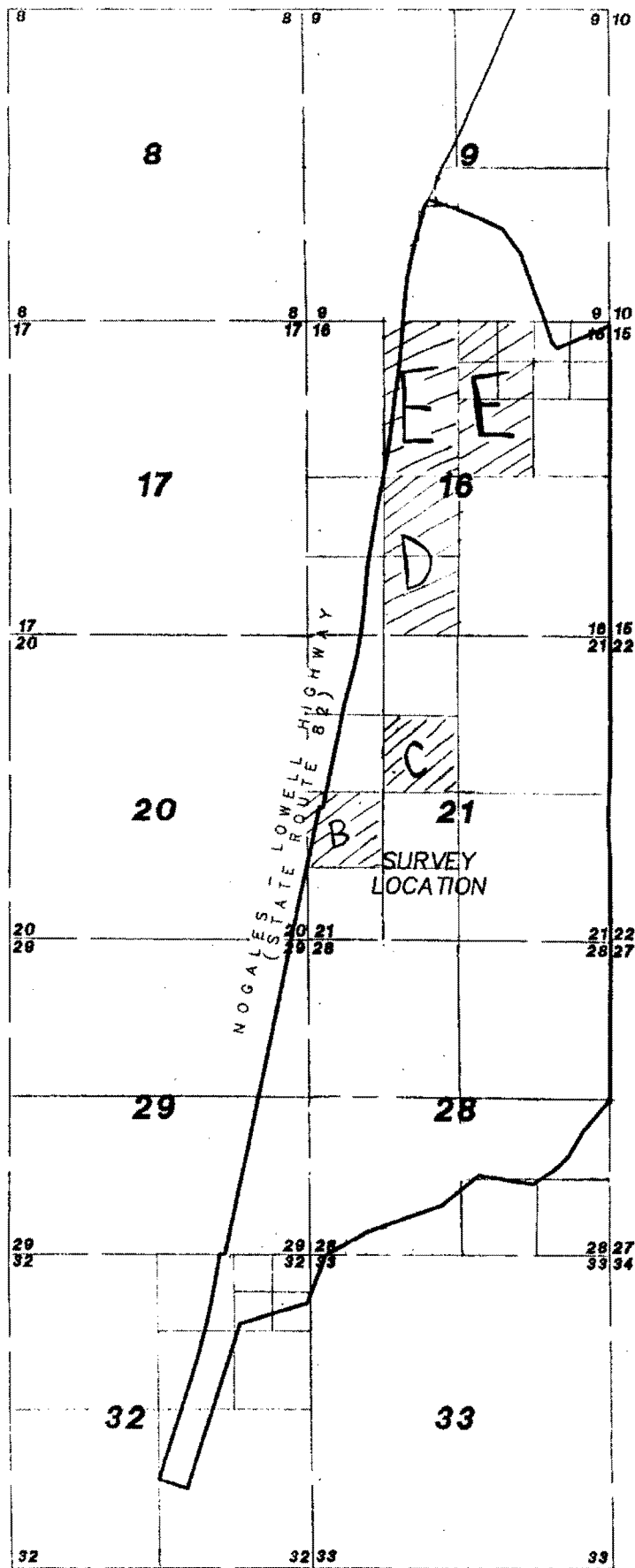
Use _____ Quantity _____ Lot _____, $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Use _____ Quantity _____ Lot _____, $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

Use _____ Quantity _____ Lot _____, $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____, Section _____, Township _____ N/S, Range _____ E/W
(if applicable)

(Page 4 of 4)

N
↑



NORTHEAST CORNER
SECTION 33

VICINITY MAP

XREFS:
DWG: 04-018RS RV1



2005-12800

Page 1 of 4

Requested By: LAWYERS TITLE OF ARIZONA

Suzanne Sainz

Santa Cruz County Recorder

09-27-2005 04:25 PM Recording Fee \$16.00



0512800

WHEN RECORDED, RETURN TO:

Gallagher & Kennedy, P.A.

2575 E. Camelback Rd.

Phoenix, Arizona 85016

Attention: James B. Connor, Esq.

1459638-A10

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the undersigned FIRST PATAGONIA CAPITAL COMPANY L.L.C., an Arizona limited liability company (the "Grantor"), does hereby grant and convey to PATAGONIA PROPERTY PARTNERSHIP II, L.L.P., an Arizona limited liability limited partnership (the "Grantee"), that certain real property situated in Santa Cruz County, Arizona legally described as set forth on Exhibit A hereto, together with all rights and privileges appurtenant thereto and any improvements thereon.

The above-described property is conveyed subject to all current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

The Grantor hereby binds itself and its successors to warrant and defend the title as against all acts of the Grantor herein and no other, subject to the matters above set forth.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 23 day of September, 2005.

FIRST PATAGONIA CAPITAL COMPANY,
L.L.C., an Arizona limited liability company

By: 

Ferdinand Graf Von Galen

Its: Manager

1298378v16706-0001

STATE OF ARIZONA)
)
County of ~~Santa Cruz~~ ^{Pima}) ss.
)

The foregoing instrument was acknowledged before me this 23 day of September, 2005, by Ferdinand Graf Von Galen, the Manager of First Patagonia Capital Company L.L.C., an Arizona limited liability company, on behalf of the company.



Notary Public

My Commission Expires:

4/21/05



Notary Public State of Arizona
Pima County
Fred S. Baker
Expires April 21, 2008

1299375v1\6706-0001

EXHIBIT A
LEGAL DESCRIPTION

[SEE ATTACHED]

1299376v1\6706-0001

EXHIBIT "A"**Parcel I**

Parcels 16, 17, 18, 19, and 20 of the Record of Survey of Sonolita Creek Ranch Estates as recorded in Book 2, at Page 484 in the records of Santa Cruz County, Arizona Recorder of Santa Cruz County, Arizona, being a part of Sections 28, 32, 33, Township 21 South, Range 16 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona.

Parcel II

A land Description of a parcel of land located in Section 32, Township 21 South, Range 16 East, Gila and Salt River Meridian, Santa Cruz County, Arizona. Reference record of survey Book 2 at Page 284 and being the following parcel;

Beginning at the Southwest Corner of Parcel 19, Sonolita Creek Ranch, Book 2 Page 484

Thence South 75 degrees 04 minutes 26 seconds East a distance of 560.45 feet, coincident with the South line of Parcel 19

Thence South 18 degrees 06 minutes 11 seconds ^{West} ~~East~~ a distance of 2,929.31 feet, coincident with the Westerly line of lots 6 and 7, Rail X Ranch Estates, Book 2 Page 161, Record of Surveys and also a point on the Northerly line of common area "A"

Thence North 71 degrees 43 minutes 01 seconds West a distance of 517.50 feet, coincident with the Northerly line of Common Area "A" to a point in the Easterly Right-of-Way of State Highway 82

Thence North 18 degrees 15 minutes 50 seconds East a distance of 1,808.56 feet coincident with the Easterly Right-of-Way to a point of curvature to the left having the following parameter, a central angle of 5 degrees 25 minutes 26 seconds, a radius of 11509.16 and a arc length of 1089.50 feet

Thence continuing along said Right-of-Way an arc distance of 1,089.50 feet to the Point of Beginning.

SURFACE WATER CHECK DEPOSIT REQUEST

SUBMITTED BY Barb Norton DATE July 5, 2006

APPLICANT Patagonia Property Partnership II, LLLP
 CHECK NO. 00022658 CHECK AMT. \$40.00
 NAME ON CHECK Land America Lawyers Title
 ADDRESS 1780 N. Mastick Way Suite F
 CITY, STATE, ZIP Nogales, Arizona 85621
 TELEPHONE NO.

REGISTRY NO(S). 36-59465, 36-59466, 36-59467 and 36-59468

	TYPE	NUMBER	FEE	AMOUNT
4315-01	Application For Permit To Appropriate 33 (A & R)		\$50.00 or \$75.00	
4315-02	Permit To Appropriate 33 (A & R)		\$25.00	
4315-04	Claim For Stockpond Application 38		\$10.00	
4315-05	Statement Of Claim Of Right 36		\$5.00	
4315-03	Certificate Of Water Right 33 (A, R, & BB)		\$50.00 or \$75.00	
4315-04	Stockpond Water Right Certificate 38		\$30.00	
4315-08	Application For T/S (33, A, R, & BB, 36)		\$500.00	
4315-01	Assignment - Application For Permit 33 (A & R)		\$10.00	
4315-02	Assignment - Permit To Appropriate 33 (A & R)		\$10.00	
4315-11	Reissued Certificate Of Water Right 33 (A & R)		\$25.00	
4315-12	Assignment - Statement Of Claim Of Right 36	4	\$10.00	\$40.00
4315-14	Assignment - Claim For Stockpond Water Right 38		\$10.00	
4315-13	Reissued -Stockpond Water Right Certificate 38		\$20.00	

TOTAL: \$ \$40.00

REFUND DUE: \$

AMT. UNDERPAID: \$

Remarks:



LAWYERS TITLE OF ARIZONA, INC.

1780 N. Mastick Way, Suite F

Nogales, Az 85621

Phone: (520) 281-2387

Fax: (520) 281-0203

June 26, 2006

Arizona Department of Water Resources
500 N. 3rd Street
Phoenix, AZ 85004

UPS #1Z F9E 132 22 1010 4713

Gentlemen:

Enclosed please find:

Re: Escrow #1313436-AR

Bell Trust - Patagonia Preserve LLC

- ☒ 5 - Change of Well - Check for \$10.00 and attached thereto is copy of recorded vesting Deed;
- ☒ 1 - Assignment of Statement Claimant - #39-09-72809, 39-09-72813; #39-09-72810
#39-09-72812 & 39-09-72808
- ☒ 1 - Assignment of Surface Water Applications and Claims and Assignment and Reissuance of Permits
and Certificated Rights - Check for \$90.00 and attached thereto is copy of recorded vesting Deed:
#4005 & #3821
#38-59399 & #38-559400

Re: Escrow #1459638-AR

First Patagonia Capital Co - Patagonia Property Partnership II

- ☒ Assignment of State of Claim of Right - Check for \$40.00 and attached thereto is copy of recorded
vesting Deed; #33-59465; #36-59466; #36-59467 & #36-59468;
- ☒ Certificate of Water Right - Check for \$35.00 - #33-26063.000;
- ☒ Change of Well - check for \$10.00 - #55-624891 & #55-624883;
- ☒ Assignment of Statement of Claimant #39-73979 & #39-73999;
- ☒ Stockpond Certificate - Check for \$20.00 - #38-59445.0000

Yours very truly,
LAWYERS TITLE OF ARIZONA, INC.


Alexa Ramirez

AR/s
Enc.

1002

20000008

FILE

ARIZONA

SECRETARY OF STATE
April 27, 1989

When filed return to:
Terence W. Thompson, Esq.
Brown & Bain, P.A.
P.O. Box 400

Phoenix, Arizona 85001
THE OFFICE OF THE SECRETARY OF STATE
HEREBY DISCLAIMS ANY REPRESENTATION
THAT THESE DOCUMENTS ARE PUT TO REST
IN THE PUBLIC RECORDS. THIS DOES
NOT CONSTITUTE A GUARANTEE.

BOOK 555 PAGE 976

CERTIFICATE OF FIFTH AMENDMENT
TO CERTIFICATE OF LIMITED PARTNER-
SHIP OF WESTPHALIAN AMERICAN
ASSOCIATES, an Arizona limited
partnership, dated as of January 1,
1989.

John S. Thompson
ARIZONA SECRETARY OF STATE

RECITALS:

1. Name. The name of the Partnership is "Westphalian American Associates, an Arizona limited partnership" but is being changed as provided herein.

2. Date of Filing of Original Certificate. The Certificate of Limited Partnership (the "Certificate") of the Partnership was dated July 24, 1982 and filed with the Arizona Secretary of State on July 26, 1982 (No. 20000008). The Certificate was amended by that certain Amendment to Certificate of Limited Partnership dated September 30, 1983 and filed on October 18, 1983 (the "First Amendment"), by that certain Amendment to Certificate of Limited Partnership dated November 1, 1984 and filed on December 13, 1984 (the "Second Amendment"), by that certain Third Amendment to Certificate of Limited Partnership dated December 15, 1984 and filed on February 4, 1985 (the "Third Amendment"), and by that certain Fourth Amendment to Certificate of Limited Partnership dated as of January 22, 1988 and filed on January 11, 1989 (the "Fourth Amendment").

AMENDMENTS:

NOW, THEREFORE, the Certificate (as amended) is hereby amended as follows:

1. Paragraph I of the Certificate is hereby amended to read as follows:

"1. The name of the limited partnership is 'First Patagonia Capital Co., Limited Partnership.'"

2. Paragraph III of the Certificate is hereby amended to read as follows:

"III. The location of the Partnership's office required to be maintained by A.R.S. S 29-304 is 608 Great American Tower, Tucson, Arizona 85701."

3. Paragraph V of the Certificate is hereby restated to read as follows:

"V. Names and business addresses of the general and limited partners are:

General Partners

<u>Name</u>	<u>Business Address</u>
Sonoita International Corporation	608 Great American Tower Tucson, Arizona 85701
Anita von Galen	Liebigstrasse 52 D-6000 Frankfurt am Main 1 Federal Republic of Germany

Limited Partners

<u>Name</u>	<u>Business Address</u>
Anita von Galen	Liebigstrasse 52 D-6000 Frankfurt am Main 1 Federal Republic of Germany
Anita von Galen, as custodian for Ferdinand Otto von Galen	Liebigstrasse 52 D-6000 Frankfurt am Main 1 Federal Republic of Germany

IN WITNESS WHEREOF, the undersigned has executed this Amendment as of the date first above written.

SONOITA INTERNATIONAL CORPORATION,
General Partner

By 

Its President

ARIZONA STATE LAND DEPARTMENT
1624 West Adams
Phoenix, Arizona 85007

STATEMENT OF CLAIM OF RIGHT TO USE
PUBLIC WATERS OF THE STATE

Filing Fee \$5.00

(LEAVE BLANK)	
Registry No. <u>36-59465</u>	
Filed <u>1-30-78</u> at <u>8:00</u> M.	
(DATE)	(TIME)

INSTRUCTIONS:

1. Submit Statement of Claim in duplicate.
2. Answer all questions fully.
3. File separate claim for each claimed right to appropriate and for each source of water.

1. Name of Claimant Westphalian American Associates
(Print Last Name or Name of Co.) (First Name) (Middle Initial)
5151 East Broadway, Tucson, Arizona 85711 747-8080
(Address, City, State, Zip) (Phone No.)

2. The purpose(s) and extent of use(s) Stockwater
(Examples: Irrigation, Stockwater, Domestic)

3. The quantities of water used annually _____ from _____
(Gallons or Acre feet) (Day) (Month)
to _____ each year
(Day) (Month)

4. The date(s) the water was first used beneficially Prior to 6-12-1919
(Month) (Day) (Year)

5. The Name(s) of the water course(s)
or Water Source(s) being claimed MONKEY SPRING
(Source Name)
Tributary to Sonoita Creek on the _____
(Leave Blank) Watershed

6. The point of diversion is within the NW 1/4, SW 1/4, Section 21, of Township 21S, Range 16E, G&SRB&M, in the County of Santa Cruz. [See attached map for approximate location]

7. The Place(s) of use is in the NW 1/4, SW 1/4, Section 21, of Township 21S, Range 16E, G&SRB&M, in the County of Santa Cruz.

8. The legal basis for the claim See, Affidavits of Cora Everhart, Stone Collie and Raymond A. Rich attached; see Deed from Raymond A. Rich attached.
(Attach copies of any documents being filed in support of Claim)

STATE OF ARIZONA)
) SS
County of PIMA)

Tom Hunt* being first duly sworn on oath, deposes and states that the foregoing Statement of Claim is true and correct of his own knowledge except as to any matters stated therein to be on information and belief and as to all such matters so stated he believes the same to be true and correct.

*Foreman of Rail X Ranch and authorized agent of Westphalian American Development, Inc., corporate general partner Tom Hunt of Westphalian American Associates, an Arizona limited partnership. Tom Hunt
(CLAIMANT(S))

Subscribed and sworn to before me this 6th day of January, 1978.

My Commission Expires:
January 24, 1981.
(SEAL)

Luis Shase
(NOTARY PUBLIC)

Filed in Water Rights Claim Registry No. 36-59465 of the State Land Department of January 30, 1978 at 8:00 a. M.

ARS 45-184 "FILING OF CLAIM WITH THE DEPARTMENT NOT DEEMED ADJUDICATION OF RIGHT"
F. C. Ryan, Director
Water Rights Division

SONOITA QUADRANGLE

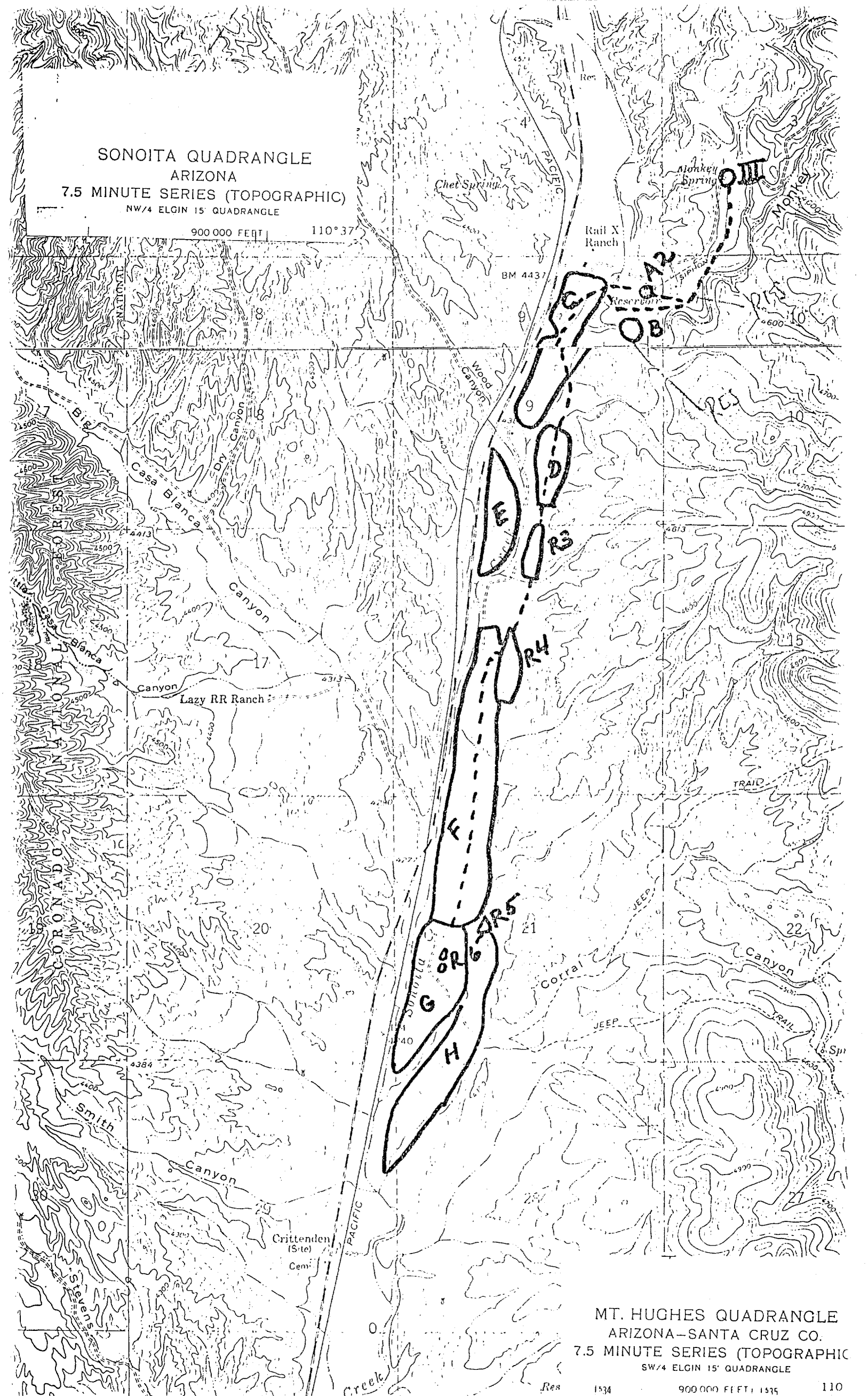
ARIZONA

7.5 MINUTE SERIES (TOPOGRAPHIC)

NW/4 ELGIN 15' QUADRANGLE

900 000 FEET

110° 37'



MT. HUGHES QUADRANGLE
ARIZONA—SANTA CRUZ CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
SW/4 ELGIN 15' QUADRANGLE

1534

900 000 FEET 1535

110

AFFIDAVIT

STATE OF ARIZONA) ss.
County of Santa Cruz)

COMES NOW, CORA EVERHART, after having been duly sworn
and upon her deposes and says:

That she is over the age of ninety years and has been a continuous resident of Santa Cruz County, Arizona for more than Seventy years last past.

That she is personally acquainted with the lands owned by Raymond A. and Virginia Rich, husband and wife, situated in T 20 and 21 S. in Santa Cruz County, Arizona, and knows of her personal knowledge that the following spring has been put to beneficial use by the above named parties and their predecessors in interest prior to June 12, 1919, and that said spring is located on the deeded lands of said Raymond A. and Virginia Rich in Santa Cruz County, Arizona.


Said spring is hereinafter described by name and location, and the uses to which said spring is put are described.

Monkey Spring, a tributary of Sonoita and Santa Cruz River located in Range 16 E, Section 3, Township 20 S. G&SRB&M, which said spring flows along an open concrete and earth conduit for a distance of 4 $\frac{1}{2}$ miles, irrigating approximately 150 acres of land and waters an average of 300 head of cattle year long. Said spring is also the primary source of water in 6 dirt tanks all of which are located in the same described area and which are indicated on the attached map, incorporated herein by reference.

Cora Everhart
CORA EVERHART

Subscribed and sworn to before me this 18 day of October, 1973.

My Commission Expires:
My Commission Expires Mar. 20, 1975



Notary Public

AFFIDAVIT

STATE OF ARIZONA))
County of Santa Cruz) ss.

COMES NOW, STONE COLLIE, after having been duly sworn
and upon his oath deposes and says:

That he is over the age of Eighty years and has been a continuous resident of Santa Cruz County, Arizona for more than Sixty years last past.

That he is personally acquainted with Raymond A. and Virginia Rich, husband and wife, and knows of his personal knowledge that the following spring has been put to beneficial use by the above named parties and their predecessors in interest prior to June 12, 1919, and that said spring is located on the deeded lands of said Raymond A. and Virginia Rich in Santa Cruz County, Arizona.


Said spring is hereinafter described by name and location, and the uses to which said spring is put are described.

Monkey Spring, a tributary of Sonoita and Santa Cruz River is located in Range 16 E, Section 3, Township 20 S. G&SRB&M, which said spring flows along an open concrete and earth conduit for a distance of 4 $\frac{1}{2}$ miles, irrigating approximately 150 acres of land and waters an average of 300 head of cattle year long. Said spring is also the primary source of water in 6 dirt tanks all of which are indicated on the attached map, incorporated herein by reference.

STONE COLLIE

Subscribed and sworn to before me this 15 day of OCTOBER, 1973.

My Commission Expires:
My Commission Expires Mar. 20, 1975


Notary Public

AFFIDAVIT

STATE OF ARIZONA)

) ss.

County of Santa Cruz)

I, Raymond A. Rich, being first duly sworn on oath, deposes and say:

That I am the owner of certain lands located in Santa Cruz County, Arizona, and that on said lands is a spring known as Monkey Spring situated in Township 20 S. Range 16 E. in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ section 3, G. & S.R.B. & M.

That in 1966 I acquired title to the property on which said Spring is located from Walter and Helen Kolbe, that the deed indicating said transfer is on record in the County Records Office, Santa Cruz County, Arizona, and that I did acquire all right title and interest to the water rights in said spring from said Grantors.

The affiant further states that said Monkey Spring has a measured flow of eleven hundred gallons per minute; that said entire flow travels by a cement ditch down to and around a reservoir known as Rail X # 1, said reservoir being approximately 170' x 380', with a water depth of zero to seven feet, retained by an earthen dam six feet high, five feet wide at the top; this reservoir was formerly known as Ashburn # 2.

The affiant further states that the flow from said Spring then travels by a concreted ditch to a reservoir known as Rail X # 2 shown on the attached map as "B"; this reservoir being round with a water depth of zero to twelve feet, retained by an earthen dam ten feet high five feet wide at the top and being approximately 200 feet in diameter.

The affiant further states that the water then travels down hill to Sonoita Creek in a cemented ditch, and then crosses said creek in a steel conduit fourteen inches in diameter to the field marked "C" on

the attached map, and thereafter by ditch to the fields marked "D" and "E" on said map, being then retained in a reservoir 120 feet by 500 feet with a water depth of zero to ten feet being retained by an earthen dam ten feet high, eight feet wide at the top.

The affiant further states that said flow is then conducted by ditch to a reservoir known as Rail X #4, said reservoir being approximately 130 feet wide by 900 feet long with a water depth of zero feet to twelve feet, said water being retained by an earthen dam twelve feet high with the width of eight feet at the top.

The affiant further states that over all there are ditches of earthen construction approximately two miles and of concrete construction of approximately two and one half miles.

That said water irrigates approximately 150 acres and waters 300 head of cattle year around and up to 30 head of horses year around.

The affiant further states that said water is then trapped in a small reservoir indicated by R 5 on said attached map along with a small reservoir at R 6 on said attached map, and that the areas marked as "G" and "H" are proposed areas to be developed and cultivated at a later date.

This affiant further states that he and his predecessors in interest have appropriated said water from said Spring for agricultural purposes and for the purpose of watering cattle and horses since before the year 1919.

That this affidavit is made for the purpose of claiming specific water rights as hereinabove stated and which rights were acquired by this affiant and have been used by him and his predecessors in interest since before the year 1919.

Further the affiant sayth not.

DATED this 21 day of October, 1973.

Raymond A. Rich
RAYMOND A. RICH

Subscribed and sworn to before me this 21 day of October, 1973.

Thomas Hewitt
Notary Public

My Commission Expires:

Sept 5 - 1976

STATE OF ARIZONA, } I hereby certify that the within instrument was filed and recorded
County of SANTA CRUZ } ss. JUL 30 1974, 19 at 2:15 P.M.

Fee No.:

8454

In Docket No. 177, Pages 221-224, at the request of LAWYERS TITLE OF ARIZONA

Indexed:

Compared:

Photostated:

Fee: \$ 4.00

I.R.S.: \$

When recorded mail to:

Michael J. Bush, Esq.
Brown, Vlassis & Bain
222 N. Central, Suite 900
Phoenix, Arizona 85004

Witness my hand and official seal.

G. ESPINOSA MORENO

County Recorder

By

Recorder

MICROFILMED

INDEXED

Warranty Deed

DOCK 177 PAGE 221

For the consideration of Ten Dollars, and other valuable considerations, I or we,

RAYMOND A. RICH and VIRGINIA G. RICH, husband and wife,

do hereby convey to

WESTPHALIAN AMERICAN ASSOCIATES, an Arizona limited partnership.

the following described property situated in Santa Cruz County, Arizona:

[See Exhibit "A" Attached]

SUBJECT TO: [See Exhibit "B" Attached]

And I or we do warrant the title against all persons whomsoever, subject to the matters above set forth.

Dated this 29th day of July, 19 74

Raymond A. Rich

Virginia G. Rich

STATE OF ARIZONA }
County of Maricopa } ss.

This instrument was acknowledged before me this 29th day
of July, 19 74, by
RAYMOND A. RICH and VIRGINIA G. RICH

My commission will expire Nov. 17, 1976.

Marilyn Mills

Notary Public

STATE OF _____ }
County of _____ } ss.

This instrument was acknowledged before me this _____ day
of _____, 19 _____, by

My commission will expire

Notary Public

In Township 21 South, Range 16 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona;

All of Section 3; All that portion of Section 4, lying East of State Highway 32, as it existed on February 25, 1966, EXCEPT that portion of the Northeast quarter of said Section 4, required for the passage of cattle to water from Adobe Canyon; All that portion of Section 9, lying East of the Southern Pacific Railroad right of way as it existed on May 9, 1962; All of Section 10; All those portions of Sections 16, 20, 21 and 29, lying East of the Southern Pacific right of way, as it existed on May 9, 1962; All of Section 28; The East half and the East half of the West half of Section 33;

EXCEPT a parcel of land situated in and traversing Sections 21, 16, 9, and 4, Township 21 South, Range 16 East, Gila and Salt River Base and Meridian, Santa Cruz County, Arizona, and lying within the right of way of the Nogales-Lowell Highway and described as follows:

Those portions of said Sections 21, 16, 9, and 4, lying Westerly of the following described line #1 and Easterly of the following line #2:

LINE #1

Commencing at a point which lies South 44° 06' 00" West, 3,884.29 feet from the North Quarter corner of said Section 21; thence South 72° 16' 43" East, a distance of 331.06 feet; thence North 12° 05' 42" East, a distance of 1787.78 feet to the TRUE POINT OF BEGINNING of the line described herein; thence Northerly along a curve, to the left, having a radius of 7789.44 feet, a distance of 1184.19 feet to the North line of Section 21; thence from a Local Tangent Bearing of North 9° 12' 25" East, Northerly along a curve to the left having a radius of 7789.44 feet, a distance of 630.48 feet; thence North 4° 34' 10" East, a distance of 234.83 feet; thence Northerly along a curve to the right, having a radius of 7489.44 feet, a distance of 821.33 feet; thence North 10° 51' 10" East, a distance of 276.68 feet; thence North 6° 54' 07" East, a distance of 178.75 feet; thence North 11° 36' 30" East (North 11° 37' East as built) along the existing Easterly right of way line, a distance of 660 feet; thence Northerly along a curve to the left, having a radius of 11,510 feet, a distance of 1205.72 feet; thence from an Initial Tangent Bearing of North 10° 14' 54" East, Northerly along a curve to the left, having a radius of 11,559.16 feet, a distance of 1090.78 feet; thence North 4° 50' 30" East, a distance of 233.20 feet to the North line of Section 16; thence continuing North 4° 50' 30" East, a distance of 222.32 feet; thence Northeasterly, along a curve to the right, having a radius of 6094.14 feet, a distance of 1631.75 feet; thence North 69° 49' 01" West, a distance of 20 feet; thence from an Initial Tangent Bearing of North 20° 10' 59" East, Northeasterly along a curve to the right, having a radius of 6114.14 feet, a distance of 576.27 feet;

CONTINUED

CONTINUED

thence North 25° 35' 00" East, a distance of 1200.17 feet; thence Northeasterly along the existing Easterly right of way line, a distance of 2020 feet more or less to the North line of Section 9; thence Northeasterly along the existing Easterly right of way line, a distance of 1190 feet more or less to a point on said existing Easterly right of way line, which point lies 80 feet Easterly when measured perpendicularly to the tangent of the construction center line at Highway Engineer's Station P.O.C. 1333 + 00; thence South 81° 31' 14" East, a distance of 20 feet; thence from an Initial Tangent Bearing of North 8° 28' 46" East, Northerly along a curve to the left, having a radius of 4683.66 feet, a distance of 1532.95 feet; thence North 10° 16' 24" West, a distance of 587.70 feet; thence South 79° 43' 36" West, a distance of 20 feet; thence North 10° 16' 24" West, a distance of 400 feet; thence North 79° 43' 36" East, a distance of 20 feet; thence North 9° 58' 17" West, a distance of 1304.81 feet; thence Northerly along the arc of a curve to the left, having a radius of 2914.79 feet, a distance of 165.97 feet to the North line of Section 4, and the end of this line description.

LINE #2

Commencing at a point which lies South 44° 06' 00" West, 3884.29 feet from the North Quarter corner of Section 21; thence North 17° 53' 30" East along the construction center line of said highway a distance of 1779.32 feet, thence North 72° 06' 30" West, a distance of 100 feet, to the TRUE POINT OF BEGINNING; thence from an Initial Tangent Bearing of North 17° 53' 30" East, Northerly along a curve to the left, having a radius of 7539.44 feet, a distance of 1103.00 feet to the North line of Section 21; thence from a Local Tangent Bearing of North 9° 30' 34" East, Northerly along a curve to the left having a radius of 7539.44 feet, a distance of 650.04 feet; thence North 4° 34' 10" East, a distance of 234.83 feet; thence Northerly along a curve to the right, having a radius of 7739.44 feet, a distance of 848.75 feet; thence North 10° 51' 10" East, a distance of 2194.2 feet; thence Northerly along a curve to the left having a radius of 11,359.16 feet, a distance of 1191.73 feet; thence North 4° 50' 30" East, a distance of 217.01 feet, to the North line of Section 16; thence continuing North 4° 50' 30" East, a distance of 238.51 feet; thence Northeasterly along a curve to the right having a radius of 6294.14 feet, a distance of 2278.54 feet; thence North 25° 35' 00" East, a distance of 1200.17 feet; thence Northeasterly along a curve to the left having a radius of 5599.87 feet, a distance of 1015.10 feet; thence North 15° 11' 50" East, a distance of 940 feet more or less to the North line of Section 9; thence continuing North 15° 11' 50" East, a distance of 694.21 feet; thence Northerly along a curve to the left having a radius of 4483.66 feet, a distance of 1993.19 feet; thence North 10° 22' 41" West, a distance of 731.39 feet; thence Northerly along the existing Westerly right of way line, which is a curve to the right, a distance of 590 feet more or less to a point 100 feet left when measured at right angles to Highway Engineer's Station P.O.T. 1361 + 27.34; thence North 10° 16' 24" West, a distance of 1181.34 feet to the North line of Section 4 and the end of this line description.

AND EXCEPT

The East one-half (E-1/2) of the Southeast one-quarter (SE-1/4) and the East one-half (E-1/2) of the West one-half (W-1/2) of the Southeast one-quarter (SE-1/4), Sec. 10, T. 21 S., R. 16 E., Gila and Salt River Basins and Meridian, Santa Cruz County, Arizona

TO AVOID PAYMENT OF PENALTY AND INTEREST THIS PAYMENT MUST BE IN THE OFFICE OF THE STATE LAND DEPARTMENT
ON OR BEFORE THE DUE DATE. DATE OF POSTAL STAMP NOT ACCEPTED AS DATE OF PAYMENT.

Brown and Bain P.A.
222 N. Central Ave.
Phoenix, Az. 85004

STATE OF ARIZONA
STATE LAND DEPARTMENT

1624 WEST ADAMS - 4th FLOOR - PHOENIX, ARIZONA 85007

OFFICE COPY

SECTION	TOWNSHIP	RANGE

25637

KIND ENTRY	LEASE-REFERENCE NO.
36	59462 00

ACCOUNT NO.		CARRYING CAPACITY	BILLING DESCRIPTION	RATE	ACRES	\$	AMOUNT
GRANT FUND	SUB						
14	310 50		Filing Fee				40.00
			Claim of Water Rights				
			36-59462 To 36-59470				
			Check # 11096		8063	1 30 78	40.00+

CERTIFICATE OF PURCHASE UNPAID BALANCE
\$

BILLING PERIOD					
FROM			TO		
MO.	DAY	YR.	MO.	DAY	YR.

DATE BILLED		
MO.	DAY	YR.
1	30	78

DATE DUE		
MO.	DAY	YR.

TOTAL ACRES

TOTAL AMOUNT
\$ 40.00

IF PAYMENT IS MADE ON OR BEFORE THIS DATE



PAY THIS AMOUNT

SEE OTHER SIDE FOR LAW PERTAINING TO PENALTY AND INTEREST - A. R. S. SEC. 37-288.

RENTAL AMOUNT SUBJECT TO PENALTY AND INTEREST IF NOT PAID ON OR BEFORE DATE DUE (\$)

5% PENALTY OF RENTAL AMOUNT - - - - - \$

TOTAL RENTAL AMOUNT PLUS PENALTY - - - - - (\$

TOTAL PENALT. AND INTEREST

10% INTEREST PER ANNUM OF RENTAL AMOUNT

AND PENALTY - NUMBER OF DAYS DELINQUENT () \$

\$

TOTAL AMOUNT DUE INCLUDING PENALTY AND INTEREST - - - - - \$

\$

CASH RECEIVED

\$

BALANCE DUE OR OVERPAYMENT

\$

PENALTY AND INTEREST DISTRIBUTION			
		\$	